

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 03-00213 WHA

Plaintiff,

v.

OLIVER HILSEN RATH,

Defendant.

**ORDER DENYING REQUEST  
FOR RECONSIDERATION OF  
ORDER TO ISSUE SUMMONS**

A Form 12 was filed petitioning the Court for an issuance of a summons for the offender to appear in court before the duty magistrate judge for identification of counsel and setting of further proceedings on May 16, 2012, 9:30 a.m. The Form 12 alleges there is probable cause to believe that defendant Oliver Hilsenrath violated the mandatory condition to submit to DNA testing as directed (Dkt. No. 487). Defendant filed a motion to reconsider stating that “[n]o such DNA test or collection was ever scheduled by any government agency since the dismissal of the appeal, nor was any such schedule missed or avoided by Mr. Hilsenrath” (Dkt. No. 488). Defendant also moves to compel the probation office to schedule a DNA collection at a reasonably accessible facility.

These issues will be resolved at future court proceedings in connection with the Form 12. The motion to reconsider and compel is **DENIED**. Defendant must appear in court as set forth in the order dated April 9, 2012 (Dkt. No. 487).

**IT IS SO ORDERED.**

Dated: April 19, 2012.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE